

LANDSCAPE ARCHITECTS SECTION
Examining Board of Architects, Landscape Architects, Professional Engineers,
Designers and Land Surveyors
MINUTES
OCTOBER 7, 2004

PRESENT: Jay Fernholz, Ruth G. Johnson, and Wayne G. Tlusty

EXCUSED: Bernie Abrahamson and Rosheen Styczinski

STAFF PRESENT: Jerry Lowrie, Bureau Director, Colleen Baird, Legal Counsel, Pat Schenck, Program Assistant, Judy Mender, Jan Bobholz Credentialing, Barbara Showers, Darwin Tichenor, Exam Center and Division of Enforcement Staff.

CALL TO ORDER

Jay Fernholz, Chair, called the meeting to order at 9:30 a.m. A quorum of three members was present.

AGENDA

MOTION: Ruth G. Johnson moved, seconded by Wayne Tlusty to adopt the agenda as published. Motion carried unanimously.

MINUTES APRIL 14, 2004

Amendment to the minutes:

- Delete Region II on page 3 of 7 under "Travel".
- Page 4 of 7 change all to any on line 5.

MOTION: Ruth G. Johnson moved, seconded by Wayne Tlusty, to approve the minutes of April 14, 2004 as amended. Motion carried unanimously.

ADMINISTRATIVE REPORT
JERRY LOWRIE, BUREAU DIRECTOR
SECTION ROSTER

Noted.

2004 MEETING DATES

A-E Joint Board Rules Committee November 17, 2004.

A-E Joint Board Meeting November 18, 2004.

Check the ASLA annual meeting to see if it is in conflict with meeting dates.

2005 MEETING DATES

The Section requested that the 2005 meeting dates be on a Thursday to accommodate Wayne Tlusty's schedule. The Section would like four meetings per year in order to conduct business. The Section requests that Mr. Lowrie check the date of the ASLA annual meeting so it is not in conflict with the Section and A-E Joint Board's meeting dates.

SUMMARY REPORTS ON PENDING COURT CASES, DISCIPLINARY CASES AND ADMINISTRATIVE RULES AND PRESS RELEASES

The Section requested that a definition of SBRAC be included on page 26.

TRAVEL CLARB ANNUAL MEETING, SEPTEMBER 24-25, 2004, PHILADELPHIA PA JAY FERNHOLZ REPORT

Mr. Fernholz reported on the CLARB Annual Meeting held in Philadelphia, PA on September 24-25, 2004. The major topic of discussion was problems relating to the C/LARE exam. Other issues discussed were change in leadership, state membership costs, costs of examination, reduction in the cost of travel time for examination candidates, and overhead costs. The Section thanked Jay Fernholz for serving as a member of the CLARB Board of Directors for the past 2 years.

LEGISLATIVE/ADMINISTRATIVE RULES RL 4.01 CRIMINAL BACKGROUND CHECKS – EMERGENCY RULE

Mr. Lowrie reported that the emergency rule is in response to federal public law, which required authorization by state statute to continue the FBI's policy of honoring state requests for criminal background reports. The rule modifies the authority of the Department to conduct criminal background checks of applicants and requires rule making by the Department to conduct investigations whether an applicant for or holder of any credential issued by the Department has been charged with or convicted of a crime.

The emergency rule preserves the ability of the Department to continue its practice of conducting criminal background investigations of applicants and credential holders and eliminates the ability of the Department to exempt peace officers from the fingerprinting requirement for credentialing as a private detective or private security person.

As part of an investigation, the Department may require a credential holder to be photographed and fingerprinted. The Department may refer photographs and fingerprints so obtained to the Department of Justice for internal analysis or submission of the fingerprint cards to the Federal Bureau of Investigation for the purpose of verifying the identity of the persons fingerprinted and obtaining records of their criminal arrests and convictions.

CONTINUING EDUCATION

Mr. Lowrie reported that the A-E Joint Board voted to enable continuing education. Each Section may draft continuing education rules. Mr. Fernholz reported that CLARB and ASLA offer some continuing education courses on-line. The Section discussed the implementation and selection of course providers at length. The Section would like to invite Dr. Showers to the next Section meeting to explain the process of approving continuing education providers.

DISCUSSION OF CHAPTER 443.035, 443.09, AND A-E 9 .05(2) REQUIREMENTS FOR EXAMINATION AND EXPERIENCE HOURS

Mr. Lowrie discussed Ch. 443.035 stats. regarding a request by the Section to allow an applicant seeking licensure to take the examination prior to completing the two years of experience requirement. This would require a statute change.

EXAMINATION AND EDUCATION AUGUST 2004 ADMINISTRATION OF C/LARE

Mr. Fernholz reported on the August 2004 administration of C/LARE and the percentages of pass/fail rates, retakes and other issues concerning the August 2004 computer-administration of the C/LARE. Wisconsin has six examination sites, Madison, East Troy, West Bend, Kenosha, Neenah, and Wisconsin Rapids.

Complaints were received in 16% of the test centers. Complaints consisted of item-related issues, equipment problems, exam administration facilities that included noise, power outages, temperature, tables, and proctors. Actions were taken to correct the problems with the August administration. CLARB would like 100% of C/LARE candidates provided with a convenient and suitable testing environment.

OTHER CLARB ACTIVITIES

No further discussion

SECTION MEMBER ACTIVITY

Jay Fernholz was appointed to the State Capitol Executive and Residence Board.

MISCELLANEOUS CORRESPONDENCE

None.

NEW BUSINESS

None.

CLOSED SESSION

MOTION: Ruth G. Johnson moved, seconded by Wayne G. Tlusty, to convene to Closed Session to deliberate on cases involving hearings (s. 19.85 (1) (a), Stats.); to consider licensure or discipline (s. 19.85(1) (b), Stats. to consider individual histories or disciplinary data (s. 19.85(1) (f), Stats.); and to confer with legal counsel (s. 19.85(1) (g), Stats.). Motion carried by roll call vote: Jay Fernholz-yes, Ruth G. Johnson-yes, and Wayne G. Tlusty-yes.

Open session recessed at 11:24 a.m.

RECONVENE IN OPEN SESSION

MOTION: Wayne Tlusty moved, seconded by Ruth G. Johnson, to reconvene in open session at 12:55 p.m. Motion carried unanimously.

VOTE ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION, IF VOTING IS APPROPRIATE

MONITORING REPORT CASE CLOSINGS CLASS I HEARING

None.

STIPULATION ROBERT B. DOWNING 02 LSA 001

MOTION: Ruth G. Johnson moved, seconded by Wayne Tlusty, to adopt the Findings of Fact, Conclusions of Law, Order, and Stipulation in the matter concerning **Robert B. Downing 02 LSA 001** Motion carried unanimously.

ADMINISTRATIVE WARNINGS

None.

PENDING APPLICATIONS

MOTION: Wayne Tlusty moved, seconded by Ruth G. Johnson, to approve Jessica L. Arneson and Daniel Ditscheit to sit for the landscape architects registration examination. Motion carried unanimously.

MOTION: Wayne Tlusty moved, seconded by Ruth G. Johnson, to approve David W. Behrens for registration as a landscape architect by comity. Motion carried unanimously.

**REINSTATEMENT REQUEST
TERRY L. KOLBERG**

The Section would like to review additional information showing what Mr. Kolberg has been doing for the past five years immediately preceding his application for reinstatement.

MOTION: Wayne Tlusty moved, seconded by Ruth G. Johnson, to deny the request for reinstatement of Terry L. Kolberg registration as a landscape architect as submitted. Motion carried unanimously.

EXAMINATION ISSUES

None.

OTHER SUCH ITEMS AS AUTHORIZED BY LAW

None.

ADJOURNMENT

MOTION: Ruth G. Johnson moved, seconded by Wayne Tlusty, to adjourn the meeting at 12:59 p.m. Motion carried unanimously.

**NEXT MEETING: MARCH 24, 2005
A-E JOINT BOARD RULES COMMITTEE; November 17, 2004 1:00 p.m.
A-E JOINT BOARD; November 18, 2004 9:00 a.m.**